

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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CITIMORTGAGE, INC., *et al.*,

Plaintiffs,

VS.

HELP FOR HOMEOWNERS, INC., *et al.*,

Defendants.

2:17-cv-02738-RFB-VCF

ORDER

Before the Court is the Ex-Parte Application for Order Extending Time to Serve and Order for Service of Summons and Complaint on Help for Homeowners, Inc. by Publication and Mail (ECF NOS. 13 and 15).

Service By Publication

Pursuant to Fed. R. Civ. P. 4(e)(1), “an individual – other than a minor, an incompetent person, or a person whose waiver has been filed – may be served in a judicial district of the United States by following state law for serving a summons in an action brought in courts of general jurisdiction in the state where the district court is located or where service is made.” Under Rule 4(e)(1) of the Nevada Rules of Civil Procedure, “when the person on whom service is to be made resides out of the state, or has departed from the state, or cannot, after due diligence, be found within the state, or by concealment seeks to avoid the service of summons, and the fact shall appear, by affidavit, to the satisfaction of the court or judge thereof, and it shall appear, either by affidavit or by a verified complaint on file, that a cause of action exists against the defendant in respect to whom the service is to be made, and that the defendant is a necessary or proper party to the action, such court or judge may grant an order that the service be made by the publication of summons.”

1 CitiMortgage, Inc. asserts that after diligent effort, it is unable to serve Help for Homeowners,
2 Inc. within the state of Nevada. (ECF No. 15 at p. 3). In support of this assertion, CitiMortgage has
3 provided the court with an affidavit of attempted service on Help for Homeowners. *Id* at 7. The last
4 known addresses for Help for Homeowners are 9887 Brook Canyon Dr., Las Vegas, NV 89147; 3144
5 Waterview Dr., Las Vegas, NV 89114; 8400 Running Deer Ave., #202, Las Vegas, NV 89145; 2200 S.
6 Fort Apache Rd., Unit 1200, Las Vegas, NV 89117; and 7304 Pinedale Ave., Las Vegas, NV 89145.

7 The court finds that pursuant to Fed. R. Civ. P. 4(e)(1) and Nev. R. Civ. P. 4(e)(1), permitting
8 service by publication of the Summons and Complaint is warranted on Help for Homeowners. Pursuant
9 to Rule 4(e)(1)(iii), the publication must be made in a newspaper, published in the State of Nevada, for a
10 period of 4 weeks, and at least once a week during said time. Nev. R. Civ. P. 4(e)(1)(iii).

11 **Extension For Service**

12 Fed. R. Civ. P. 4(m) requires a defendant to be served within 90 days after the complaint is filed.
13 If “the plaintiff shows good cause for the failure [to serve a defendant within that time-frame], the court
14 must extend the time for service for an appropriate period.” Fed. R. Civ. P. 4(m).

15 The last day to effectuate service on Help for Homeowners is January 28, 2018. Fed. R. Civ. P.
16 4(m). Given that CitiMortgage has demonstrated “good cause” for its failure to effectuate service and has
17 provided support for its request for an extension, the court will extend the 4(m) deadline, up to, and
18 including March 29, 2018. *See* Fed. R. Civ. P. 4(m).

19 Accordingly, and for good cause shown, IT IS HEREBY ORDERED that Ex-Parte Application
20 for Order Extending Time to Serve and Order for Service of Summons and Complaint on Help for
21 Homeowners, Inc. by Publication and Mail (ECF NOS. 13 and 15) is GRANTED.

22 IT IS FURTHER ORDERED that a copy of the Summons and Complaint must be mailed to Help
23 for Homeowners, Inc. at last known address(es) by certified U.S. Mail, return receipt requested.

1 IT IS FURTHER ORDERED that, pursuant to Fed. R. Civ. P. 4(e)(1) and Nev. R. Civ. P. 4(e)(1)(i)
2 and (iii), the Summons on Help for Homeowners in this action must be served by publication in a
3 newspaper, published in the state of Nevada, for a period of four weeks and at least once a week during
4 that time.

5 IT IS FURTHER ORDERED that the deadline to effect service of process is extended up to and
6 including March 29, 2018 for Help for Homeowners, Inc.

7 DATED this 12th day of January, 2018.


8 CAM FERENBACH
9 UNITED STATES MAGISTRATE JUDGE

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